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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,
J_O_D_H_P_U_R.

Date of Order : 12.1.2001.

O.A. No. 124/1998

Raja Ram S/O Shri Sardari Lal, aged about 40 years,
R/O1-P-26 Madhuban Housing Board, Basni, Jodhpur, at present
employed on the post of MCC/Clerk in the office of DSK (P)
Construction, Bhagat Ki Kothi, Jodhpur, Northern Railway,

... Applicant

Vs

1. Union of India, through General Manager, Northern Rly.
Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Delhi
Division, Delhi.

Deputy Chief Engineer (Construction-II) Northern Rly.
Jodhpur.

The Chief Administrative Officer (Construction),
Northern Railway, Kashmiri Gate, Delhi-6.

... Respondents

Mr. J.K. Kaushik, Counsel for the Applicant.

Mr. S.S. Vyas, Counsel for the Respondents.

CORAM :

Hon'ble Mr. A.K. Misra, Judicial Member

Hon'ble Mr. A.P. Nagrath, Administrative Member

O_R_D_E_R

(PER HON'BLE MR. A.P. NAGRATH)

The applicant was initially appointed as a Khalasi
under IOW (C), in Delhi Division on 01.11.1979, and he was
regularised in Group 'D' on 20.3.1998 in Delhi Division. He
submits that he was promoted as Storeman with effect from
04.11.1992. Thereafter, by an order dated 18.2.1994, he was
promoted to officiate to the post of MCC on ad hoc basis. His
lien was in Delhi Division, but he has continued to work in the

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office of 3rd respondent in the Construction Organisation as MCC. He has prayed for a direction to the respondents to consider his absorption/regularisation on the post of MCC in the scale of Rs.950-1500 from the date of the working as per policy laid down vide respondents' letter dated 11/15.2.1991 (Annexure A/3).

2. The applicant in his written submission has quoted various letters of the department to support his claim.


3. Learned Counsel for the respondents stated that this matter is squarely covered by the judgement of the Full Bench in Ram Lubhaya & Ors. Vs Union of India & Ors decided on 04.12.2000. We find that the facts and the relief sought in the matter before Full Bench in the batch of O.As (OA No.10397 and batch were similar, wherein it has been held as under :

"15. In the result we answer the reference as under :

(a) Railway servants hold lien in their parent cadre under a division of the Railways and on being deputed to Construction Organisation, and there having promoted on a higher post on ad hoc basis and continue to function on that post on ad hoc basis for a very long time would not be entitled to regularisation on that post in their parent division/office. They are entitled to regularisation in their turn, in the parent division/office strictly in accordance with the rules and instructions on the subject."

4. In view of the above, this Original Application fails and is dismissed accordingly. No costs.


(A.P. NAGRATH)
Adm. Member


(A.K. MISRA)
Judl. Member

Part II and IV destroyed
in my presence on 25-3-07
under the supervision of
section officer () as per
order dated 19-1-2007

Section officer (Record)

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